

Title 2—DEPARTMENT OF
AGRICULTURE
Division 70—Plant Industries
Chapter 25—Pesticides

PROPOSED AMENDMENT

2 CSR 70-25.090 Examinations for Certified Commercial Applicators, Cer[-]tified Noncommercial Applicators, [and] Certified Public Operators, *Certified Private Applicators, Certified Provisional Private Applicators, Noncertified RUP Applicators, and Pesticide Dealers.* The department is amending the rule title, section (1), and sections (3) through (8).

PURPOSE: This amendment clarifies examination requirements for pesticide applicators.

(1) Applicants for a certified commercial applicator license, [a] certified noncommercial applicator **license**, or [a] certified public operator license shall take [a] written examinations based on the **general standards of competence and category specific standards of competence** provided in 2 CSR 70-25.110. **Applicants for a certified private applicator license or certified provisional private applicator license may take a written examination for each requested category defined in 2 CSR 70-25.140 based on the standards of competence provided in 2 CSR 70-25.150. Applicants for a noncertified RUP applicator license may take a written examination based on the general standards of competence provided in 2 CSR 70-25.110 (3). Applicants for a pesticide dealer license shall take a written examination based on the laws and regulations governing the use and sale of pesticides.** [*When recommended by the director, the a*] Applicants [*shall take a written and oral examination and*] **may be required to conduct a practical demonstration of competence, in addition to written examinations.**

(3) Applicants must present at the time of examination a valid, government-issued photo identification or other form of similarly reliable identification authorized by the director as proof of identity and age to be eligible for certification.

[(3)]**(4) Any applicant who gives or receives unauthorized assistance during an examination shall be dismissed from the examination and [his/her] the applicant's [markings or results] examination shall be voided. [Any such person shall be required to make reapplication for a license.]**

[(4)]**(5) Only persons authorized by the director may be in the examination room during the examination. [The director may require identification for all applicants.]**

(6) Only director-approved reference material provided by the examination proctor may be used during the examination. All reference material will be collected and examined by the examination proctor to ensure no portion of the reference material has been removed, altered, or destroyed. No portion of any examination or reference material may be copied, photographed, or retained by any person other than a proctor authorized by the director. Examination results shall be voided for any applicant found to have copied, photographed,

retained, removed, altered, or destroyed any portion of the examination or reference material.

[(5)](7) Any applicant who fails to attain a passing score of **at least** seventy percent (70%) on any examination may request [*in writing, by regular mail,*] to retake the examination **through the normal registration process**. [*The director will then inform the applicant, in writing, by regular mail, of the time and place the applicant may retake the examination. Upon failing the examination three (3) times, or failing to take the examination as scheduled three (3) times, the applicant shall reapply for a license.*]

[(6)](8) All examination[*s taken to satisfy requirements of the Missouri Pesticide Use Act*] **results are valid for eighteen (18) months and** shall be retained by the department for at least [*one (1) year*] **eighteen (18) months** from the **examination** date [*they were completed*]. **Following the eighteen (18)-month period of retention, the examination results will be invalid.** Individuals who do not apply for a license during that [*one (1)-year*] **eighteen (18)-month** period must [*be reexamined before their license application will be accepted.*] **reexamine. Applicators may use valid examinations to apply for additional licenses.**

*AUTHORITY: section 281.035, RSMo Supp. 1989. * Original rule filed May 12, 1976, effective Oct. 21, 1976. Amended: Filed Sept. 6, 1977, effective Dec. 11, 1977. Amended: Filed Aug. 14, 1989, effective Jan. 1, 1990.*

**Original authority: 281.035, RSMo 1974, amended 1977, 1988.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for 10:00 a.m., July 22, 2024, Missouri Department of Agriculture, Third Floor Boardroom, 1616 Missouri Boulevard, Jefferson City, MO, 65109.*